IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

REVIEW PETITION NO.15 OF 2007
IN
FIRST APPEAL NO.2138 of 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.Shrishail Sakhare for the appellant.

Mr.M.R.Yadav for respondents 1 to 3.

CORAM : ANOOP V. MOHTA,J.

DATED : 31st October, 2007

P.C.

By order dated 28.8.2007 this court has granted time to pay bhatta within six weeks and private notice was also permitted and passed conditional order to file affidavit of service accordingly, otherwise the matter should stand dismissed without reference to court's order. Interim order so granted was continued. The matter was listed on 24.9.2007 again. None appeared for the appellant. Considering the earlier order of 28.8.2007, the

matter ought not to have appeared on board unless circulated by the parties. The appellant makes statement that they have not circulated the matter.

On 8.10.2007 the matter was on board again. None appeared for the appellant. The submission is that again it was not circulated by the appellant. It appears that either office or at the instance of the respondent, the matter was on board. Any how as the appellant was not there, the court has dismissed the matter in view of the undertaking given in the trial court to vacate the premises and till this date, he has not vacated the premises. The status-quo order was also vacated.

Any how without going into the further controversy, the respondent's advocate fairly consenting for revoking the order of dismissal and for restoration of the first appeal. The appeal is

restored, along with other application if any. The status-quo as granted to continue.

Put up the first appeal on board tomorrow H.O.B.

[ANOOP V. MOHTA,J.]